

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 12-16 are currently being prosecuted. Claims 12-15 are amended. Claims 12 is independent. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks set forth herein.

Rejection under 35 U.S.C. §112, second paragraph

Claims 12-16 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Claims 12-15 are amended herein to address each of the informalities noted by the Examiner. It is respectfully submitted that the amended claims particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of the §112 rejection are respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 12-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mayfield (U.S. 5,928,692) in view of Mally et al. (U.S. 4,832,970) and Nakajima (U.S. 4,670,276). This rejection is respectfully traversed.

While not conceding the appropriateness of the rejection, but merely to advance prosecution of the instant application, independent claim 12, as amended herein, is directed to a laminated cheese food having a combination of elements including two external layers of platy food material containing cheese, and having inherent releasability from external layers

of adjoining laminated cheese foods when piled, and an intermediate layer of platy food material, wherein the intermediate layer may be formed of a plurality of intermediate layers of platy food material which inherently bond together, the intermediate layer being disposed between and being inherently capable of bonding to the two external layers of platy food material, thus forming the multilayer structure which is releasable from adjoining multilayer structures.

It is respectfully submitted that the combination of elements set forth in independent claim 12 is not disclosed or made obvious by the prior art of record., including Mayfield, Mally et al., and Nakajima.

As illustrated in FIG. 7, each laminated cheese food t1, t2 of the present invention is a multilayer food having at least three layers: external layers A, B, and one or more intermediate layers C.

Further, as disclosed on page 21, lines 2-4, of the specification, the inventors used a releasable platy food containing cheese in the external layers (A), (B). Each external layer (A), (B), is releasable from adjoining external layers on one side, but is bonded to an intermediate layer on the other side. This capability is made possible as a result of the inherent properties of the layers (A), (B), and (C). In other words, no coating need be sprayed on layers (A), (B) for them to be releasable from other layers (A), (B). In addition, as disclosed on page 21, lines 17-19, of the specification, "In the single or plurality of intermediate layers (C), a platy food material having integrity to the external layers (A), (B)

and if necessary, the integrity among the intermediate layers (C) ... is used". In other words, the platy shaped intermediate layers are inherently capable of bonding to each other and to external layers.

The Office Action states that the Mayfield food product is wrapped or sprayed with an edible film material, which prevents the product from sticking with the storage medium in which it is placed. As can be seen in Figs 1B and 2, the Mayfield product is made to be non-sticky on both sides thereof, due to the application the edible film.

Applicants respectfully submit that each external layers (A), (B) of the present invention is inherently releasable on one side from another external member, and is bonded on the other side to an intermediate layer (C). The present invention includes no application of an edible film. In fact, if the external layers (A), (B) of the present invention were sprayed with the edible film of Mayfield, the external layers (A), (B) would not be able to bond on one side with an intermediate layer. The bonding of the intermediate layer (C) to external layers (A), (B) is a key teaching of the present invention. Mayfield fails to teach or suggest this.

Regarding the Mally et al. and Nakajima patents, the Office Action asserts that each of these discloses a platy food material containing cheese. The Applicants respectfully submit that Mally et al. merely teach a flat cheese 51, an curved cheese material 52, and a curved patty 28, which must be knitted together. Moreover, since only one surface of the Mally et al. finished product is flat or platy, it would be impossible to pile the Mally et al. finished

product as taught by the present invention, and shown in Fig. 7. Also, in Nakajima there is no explicit teaching of flat or platy layers.

As such, it is respectfully submitted that the combination of elements set forth in independent claim 12 is not disclosed or made obvious by the prior art of record, including Mayfield, Mally et al. and Nakajima. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are, therefore, respectfully requested. It is believed that independent claim 12 is in condition for allowance and that dependent claims 13-16 are also allowable due to their dependence on allowable claim 12, as well as for the additional novel limitations contained therein. Therefore, all claims of the present application should be deemed allowable.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, she is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

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any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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4035-116P
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MARKED-UP COPY OF AMENDED CLAIMS 12-15

12. (Twice amended) A laminated cheese food produced by platy food materials being piled to form a multilayer structure having at least three layers, comprising:

two external layers of platy food material containing cheese, and having inherent releasability from external layers of adjoining laminated cheese foods when piled; and
[at least one] an intermediate layer of platy food material, wherein [each of] the [at least one] intermediate layer [is bonded to others of the at least one intermediate layer] may be formed of a plurality of intermediate layers of platy food material which inherently bond together, [and] the [at least one] intermediate layer [is] being disposed between and [bonded] being inherently capable of bonding to the two external layers of platy food material, thus forming the multilayer structure which is releasable from adjoining multilayer structures.

13. (Twice amended) The laminated cheese food according to Claim 12, wherein the platy food material in the [at least one] intermediate layer is cheese different from the cheese contained in the platy food material in the external layers in type or colour tone, or is cheese having higher maturity, more water or fat, thus being softer, or having lower pH, than the cheese contained in the platy food materials in the external layers.

14. (Thrice amended) The laminated cheese food according to Claim 12, wherein the platy food materials in the [at least one] intermediate layer contain foods other than cheese which are in a liquid, paste, powdery, solid, or fibrous state.

15. (Thrice amended) The laminated cheese food according to Claim 12, wherein: the platy food materials in at least one of the external layers or the [at least one] intermediate layer contain additives or raw materials for adjusting colour tone, and the colour tones of the platy food materials in the external layers or the [at least one] intermediate layer are the same or different.